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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO. <i>AS</i>
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UNITED STATES DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
TELEPHONE 204-498-6000
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EXAMINER

ART UNIT	PAPER NUMBER <i>3</i>
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DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/203,894

Applicant(s)

MIGDAL ET AL

Examiner
VERONICA P. HOKE

Group Art Unit
1714



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-28 _____ is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-28 _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s): 3

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Part of Paper No. 3

Application/Control Number: 09/203894

Art Unit 1714

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al taken with Meier et al, Evans and Rasberger et al

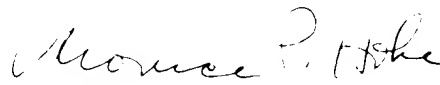
Jones et al related (col. 1, first paragraph and col. 3 first paragraph through col.5, line 61) nearly one-half century ago that hydrogenated hydroquinolines which are tetra or deca hydroquinolines useful for purposes of antioxidant type stabilization of lubricating oils or gasoline compositions are synergized in their effectiveness by the presence of diaryl amines or phenolic antioxidant. Applicants hydroquinolines are rather 2,2,4-trialkyl 1,2 dihydroquinolines or their polymers and the adjunct preservative is a diaryl amine compound.

Rasberger et al relates that 1,2-dihydroquinoline antioxidants have been successfully combined with phenolic type antioxidants in preserving lubricants (col.1, lines 25-30). Rasberger also confirms the present day use of tetrahydroquinolines with diaryl amines or phenols in preserving lube oils as do Evans (col.1) and Meier et al (col. 8).

Given the proven interchangeability of 1,2- dihydroquinolines for the tetrahydroquinolines as related by Rasberger and the use of members of the latter genus synergistically with aromatic

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amines as related by Jones et al, it would be prima facie obvious to expect the 1,2-dihydroquinoline genus to manifest the same type of improvement by incorporating as well diaryl amines. Expected synergism is not evidence of unexpected results. See *In re* Hellmantel 139 USPQ497.


VERONICA P. HOKÉ
PRIMARY EXAMINER

vph

March 27, 2000

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